

ESTTA Tracking number: **ESTTA1077232**Filing date: **08/24/2020**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Societe des Produits Nestle S.A.
Granted to Date of previous extension	09/02/2020
Address	AVENUE NESTLE 55, CASE POSTALE 353 VEVEY, 1800 SWITZERLAND
Attorney information	THOMAS A. POLCYN THOMPSON COBURN LLP ONE US BANK PLAZA ST. LOUIS, MO 63101 UNITED STATES Primary Email: ipdocket@thompsoncoburn.com Secondary Email(s): snaruo@thompsoncoburn.com, hal-shathir@thompsoncoburn.com, tpolcyn@thompsoncoburn.com, knorris@thompsoncoburn.com 3145526000
Docket Number	48242-197809

**Applicant Information**

Application No.	79270986	Publication date	05/05/2020
Opposition Filing Date	08/24/2020	Opposition Period Ends	09/02/2020
International Registration No.	1064700	International Registration Date	11/26/2010
Applicant	ZAKRYTOE AKTSIONERNOE OBSHESTVO "NAUCHNO PROIZVOD-STVENNAYA FIRMA "BIOPHARMTOX" PROSPECT SOLIDARNOSTI, 6 RU-193318 ST. PETERSBURG RUSSIAN FED.		

**Goods/Services Affected by Opposition**

Class 031. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Live animals; fruit, fresh; vegetables, fresh; grains namely, grains for animal consumption, agricultural grains for planting; unprocessed grains for eating; animal foodstuffs; edible chews for animals; beverages for animals; pet food; bird food; dog biscuits; stall food for animals; food for animals being strengthening animal forage; fresh chicory roots; roots for food, namely, roots for animal consumption; groats for poultry; yeast for animals for animal fodder; peanut cake for animals; maize cake for cattle; cattle cake being animal food; rape cake for cattle; raw sugar cane bagasses; cereal seeds, unprocessed; unprocessed grains; grains for

animal consumption; fodder, namely, lime for animal forage; peanutmeal for animals; fodder, namely, flax meal; meal for animals, namely, animal feed; fish meal for animal consumption; straw mulch; malt
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## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	No bona fide intent to use mark in commerce for identified goods or services Â# Trademark Act Section 66(a)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4951377	Application Date	09/24/2015
Registration Date	05/03/2016	Foreign Priority Date	NONE
Word Mark	ONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 1986/01/29 First Use In Commerce: 1986/01/29 Food for animals		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ONE		
Goods/Services	food for animals, pet food and pet treats		

Attachments	NOO LITTLE ONE.pdf(301981 bytes ) TSDR ONE.pdf(2071721 bytes )
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Signature	/tap/
Name	THOMAS A. POLCYN
Date	08/24/2020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

Société des Produits Nestlé S.A.,	:	
<i>Opposer,</i>	:	
	:	Opposition No.
v.	:	
	:	U.S. Ser. No. 79270986
Zakrytoe Aktsionernoe Obschestvo	:	
"Nauchno Proizvodstvennaya Firma	:	
"Biopharmtox",	:	
<i>Applicant.</i>	:	

**NOTICE OF OPPOSITION**

Opposer Société des Produits Nestlé S.A. ("Nestlé"), owner of the mark ONE for *food for animals*, will be damaged by registration of the mark LITTLE ONE for *live animals; fruit, fresh; vegetables, fresh; grains namely, grains for animal consumption, agricultural grains for planting; unprocessed grains for eating; animal foodstuffs; edible chews for animals; beverages for animals; pet food; bird food; dog biscuits; stall food for animals; food for animals being strengthening animal forage; fresh chicory roots; roots for food, namely, roots for animal consumption; groats for poultry; yeast for animals for animal fodder; peanut cake for animals; maize cake for cattle; cattle cake being animal food; rape cake for cattle; raw sugar cane bagasses; cereal seeds, unprocessed; unprocessed grains; grains for animal consumption; fodder, namely, lime for animal forage; peanut meal for animals; fodder, namely, flax meal; meal for animals, namely, animal feed; fish meal for animal consumption; straw mulch; malt in* International Class 031 (U.S. Serial No. 79/270986). Nestlé, therefore, opposes registration of the LITTLE ONE mark.

**PARTIES AND BACKGROUND**

(1) Nestlé is a Societe Anonyme organized and existing under the laws of Switzerland, with an address of Case Postale 353, Vevey, 1800, Switzerland.

(2) On information and belief, Applicant Zakrytoe Aktsionernoe Obschestvo "Nauchno Proizvodstvennaya Firma "Biopharmtox" ("Biopharmtox"), is a Closed Joint Stock Company organized and existing under the laws of the Russian Federation, with an address of Prospect Solidarnosti, 6, RU-193318 St. Petersburg, Russian Federation. On information and belief, Biopharmtox owns U.S. Serial No. 79/270986 for the mark LITTLE ONE for *live animals; fruit, fresh; vegetables, fresh; grains namely, grains for animal consumption, agricultural grains for planting; unprocessed grains for eating; animal foodstuffs; edible chews for animals; beverages for animals; pet food; bird food; dog biscuits; stall food for animals; food for animals being strengthening animal forage; fresh chicory roots; roots for food, namely, roots for animal consumption; groats for poultry; yeast for animals for animal fodder; peanut cake for animals; maize cake for cattle; cattle cake being animal food; rape cake for cattle; raw sugar cane bagasses; cereal seeds, unprocessed; unprocessed grains; grains for animal consumption; fodder, namely, lime for animal forage; peanut meal for animals; fodder, namely, flax meal; meal for animals, namely, animal feed; fish meal for animal consumption; straw mulch; malt* in International Class 031 ("Biopharmtox's Goods").

(3) Prior to the filing date of U.S. Serial No. 79/270986 or any use of the mark LITTLE ONE, Nestlé, through its predecessors and its licensee Nestlé Purina PetCare Company, began using and continues to use in interstate commerce the mark ONE in connection with *food for animals*.

(4) Nestlé has sold many millions of dollars of goods under its ONE mark throughout the United States. Moreover, Nestlé has expended considerable resources in marketing and promoting its ONE mark nationally through virtually every available type of media. As a result

of many years of use, advertising and commercial success, Nestlé's ONE mark is well-known and famous.

(5) In addition to its common law rights in the ONE mark, Nestlé owns U.S. Reg. No. 4951377 for the mark (among others). A current TSDR report for U.S. Reg. No. 4951377 is attached and incorporated by reference.

**COUNT I**  
**(Likelihood of Confusion)**

(6) Nestlé incorporates the above allegations by reference.

(7) Biopharmtox's mark LITTLE ONE so resembles Nestlé's previously used and registered mark ONE as to be likely to cause confusion or to cause mistake or to deceive when used in connection with Biopharmtox's Goods, thus causing damage to Nestlé.

(8) Biopharmtox's LITTLE ONE mark is confusingly similar to Nestlé's ONE mark. The LITTLE ONE mark incorporates Nestlé's ONE mark in its entirety. And Biopharmtox seeks to register its confusingly similar mark LITTLE ONE in connection with goods that are closely related, if not identical, to Nestlé's goods sold under its ONE mark.

**COUNT II**  
**(No Bona Fide Intent to Use Mark in Commerce)**

(9) Nestlé incorporates the above allegations by reference.

(10) On October 1, 2019, Biopharmtox requested extension of protection to the United States of International Registration 1064700 for the mark LITTLE ONE under Section 66(a) of the Lanham Act, 15 U.S.C. §1141f.

(11) Pursuant to Section 66(a) of the Lanham Act, 15 U.S.C. §1141f(a), Biopharmtox's request for extension of protection to the United States included a declaration of

Biopharmtox's alleged bona fide intention to use the LITTLE ONE mark in connection with Biopharmtox's Goods.

(12) On information and belief, Biopharmtox lacked a bona fide intention to use Biopharmtox's LITTLE ONE mark in commerce in connection with Biopharmtox's Goods at the time Biopharmtox filed its request for extension of protection of its International Registration to the United States. Accordingly, U.S. Ser. No. 79270986 is void under Section 66 of the Lanham Act, 15 U.S.C. §1141f.

(13) In view of the protections afforded by registration on the Principal Register, and Nestlé's prior rights in its ONE mark, registration of the mark LITTLE ONE will cause damage to Nestlé.

ACCORDINGLY, based upon the above grounds, Nestlé respectfully requests that the Board refuse registration of the mark LITTLE ONE.

Respectfully submitted,

By: /s/ Thomas A. Polcyn  
Thomas A. Polcyn  
Hadi S. Al-Shathir  
THOMPSON COBURN LLP  
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St. Louis, MO 63101  
(314) 552-6000  
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[ipdocket@thompsoncoburn.com](mailto:ipdocket@thompsoncoburn.com)

Attorneys for Société des Produits Nestlé S.A.

Generated on: This page was generated by TSDR on 2020-08-10 09:43:53 EDT

Mark: ONE

# ONE

US Serial Number: 86767587

Application Filing Date: Sep. 24, 2015

US Registration Number: 4951377

Registration Date: May 03, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 03, 2016

Publication Date: Feb. 16, 2016

## Mark Information

Mark Literal Elements: ONE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 1408833, 1650293, 2675614

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Food for animals

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 29, 1986

Use in Commerce: Jan. 29, 1986

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

## Current Owner(s) Information

**Owner Name:** Societe des Produits Nestle S.A.

**Owner Address:** Intellectual Property Department  
Case Postale 353  
Vevey SWITZERLAND 1800

**Legal Entity Type:** société anonyme (sa)

**State or Country** SWITZERLAND  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Andrea K. Cannon

**Docket Number:** TM-14075-US-

**Attorney Primary** [TMOffice@purina.nestle.com](mailto:TMOffice@purina.nestle.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** ANDREA K. CANNON  
**Name/Address:** Nestle Purina Petcare Company  
Checkerboard Square  
Saint Louis, MISSOURI UNITED STATES 63164-0001

**Phone:** 3149825192

**Fax:** 3149821613

**Correspondent e-mail:** [TMOffice@purina.nestle.com](mailto:TMOffice@purina.nestle.com)

**Correspondent e-mail** Yes  
**Authorized:**

### Domestic Representative

**Domestic** Andrea K. Cannon  
**Representative**  
**Name:**

**Phone:** 3149825192

**Fax:** 3149821613

**Domestic** [TMOffice@purina.nestle.com](mailto:TMOffice@purina.nestle.com)  
**Representative e-mail:**

**Domestic** Yes  
**Representative e-mail** Authorized:

## Prosecution History

Date	Description	Proceeding Number
May 03, 2016	REGISTERED-PRINCIPAL REGISTER	82093
Feb. 16, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 16, 2016	PUBLISHED FOR OPPOSITION	
Jan. 27, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 12, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 11, 2016	ASSIGNED TO EXAMINER	
Sep. 30, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 28, 2015	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 03, 2016

## Proceedings

### Summary

**Number of** 7  
**Proceedings:**

**Type of Proceeding:** Cancellation



Proceeding Number: [92073288](#)

Filing Date: Jul 31, 2020

Status: Pending

Status Date: Jan 25, 2020

Interlocutory Attorney: JILL M MCCORMACK

**Defendant**

Name: The Wu Children's Trust Dated May 5, 2009

Correspondent NICOLE R TOWNES

Address: KNOBBE MARTENS OLSON & BEAR, LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614

Correspondent e-mail: [efiling@knobbe.com](mailto:efiling@knobbe.com) , [doreen.buluran@knobbe.com](mailto:doreen.buluran@knobbe.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ONE REWARDS	Cancellation Pending	<a href="#">85627734</a>	<a href="#">4675716</a>

**Plaintiff(s)**

Name: Societe des Produits Nestle S.A.

Correspondent HADI S AL-SHATHIR

Address: THOMPSON COBURN LLP  
ONE US BANK PLAZA  
ST LOUIS MO UNITED STATES , 63101

Correspondent e-mail: [tpolcyn@thompsoncoburn.com](mailto:tpolcyn@thompsoncoburn.com) , [hal-shathir@thompsoncoburn.com](mailto:hal-shathir@thompsoncoburn.com) , [ipdocket@thompsoncoburn.com](mailto:ipdocket@thompsoncoburn.com) , [urogers@thompsoncoburn.com](mailto:urogers@thompsoncoburn.com) , [knorris@thompsoncoburn.com](mailto:knorris@thompsoncoburn.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ONE	Registered	<a href="#">86767587</a>	<a href="#">4951377</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 15, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 25, 2020	Mar 05, 2020
3	INSTITUTED	Jan 25, 2020	
4	D MOT FOR EXT W/ CONSENT	Mar 05, 2020	
5	EXTENSION OF TIME GRANTED	Mar 05, 2020	
6	D CHANGE OF CORRESP ADDRESS	Apr 01, 2020	
7	D MOT FOR EXT W/ CONSENT	Apr 01, 2020	
8	EXTENSION OF TIME GRANTED	Apr 02, 2020	
9	D MOT FOR EXT W/ CONSENT	Apr 22, 2020	
10	EXTENSION OF TIME GRANTED	Apr 22, 2020	
11	D MOT FOR EXT W/ CONSENT	Jun 02, 2020	
12	EXTENSION OF TIME GRANTED	Jun 02, 2020	
13	D MOT FOR EXT W/ CONSENT	Jun 22, 2020	
14	EXTENSION OF TIME GRANTED	Jun 22, 2020	
15	D MOT FOR EXT W/ CONSENT	Jul 31, 2020	
16	EXTENSION OF TIME GRANTED	Jul 31, 2020	

**Type of Proceeding: Cancellation**

Proceeding Number: [92072749](#)

Filing Date: Nov 14, 2019

Status: Terminated

Status Date: Feb 29, 2020

Interlocutory Attorney: MARY CATHERINE FAINT

**Defendant**

Name: Virgin Petcare LLC

Correspondent VIRGIN PETCARE LLC

**Address:** 1 EAST LIBERTY STREET, SUITE 600  
RENO NV UNITED STATES , 89501

**Correspondent e-mail:** [KL@jpasia.com](mailto:KL@jpasia.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ONEBONE	Cancelled - Section 18	<a href="#">87697875</a>	<a href="#">5572114</a>
Plaintiff(s)			

**Name:** Societe des Produits Nestle S.A.

**Correspondent Address:** HADI S AL-SHATHIR  
THOMPSON COBURN LLP  
ONE US BANK PLAZA  
ST. LOUIS MO UNITED STATES , 63101

**Correspondent e-mail:** [hal-shathir@thompsoncoburn.com](mailto:hal-shathir@thompsoncoburn.com) , [tpolcyn@thompsoncoburn.com](mailto:tpolcyn@thompsoncoburn.com) , [urogers@thompsoncoburn.com](mailto:urogers@thompsoncoburn.com) , [ipdocket@thompsoncoburn.com](mailto:ipdocket@thompsoncoburn.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ONE	Registered	<a href="#">86767587</a>	<a href="#">4951377</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 14, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 14, 2019	Dec 24, 2019
3	INSTITUTED	Nov 14, 2019	
4	NOTICE OF DEFAULT	Jan 03, 2020	
5	BD DECISION: CAN GRANTED	Feb 13, 2020	
6	COMMR ORDER CANCELLING REG	Feb 29, 2020	
7	TERMINATED	Feb 29, 2020	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91249034](#)

**Filing Date:** Jun 21, 2019

**Status:** Terminated

**Status Date:** Nov 06, 2019

**Interlocutory Attorney:** REBECCA J STEMPIEN\_COYLE

#### Defendant

**Name:** Healthy Happy Pets, LLC

**Correspondent Address:** PATRICIA Q HU  
MUNCK WILSON MANDALA, LLP  
P O DRAWER 800889 , DOCKET CLERK  
DALLAS TX UNITED STATES , 75380

**Correspondent e-mail:** [trademarks@munckwilson.com](mailto:trademarks@munckwilson.com) , [trademarks@dalpat.com](mailto:trademarks@dalpat.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ONE HEART	Abandoned - After Inter-Partes Decision	<a href="#">88134177</a>	
Plaintiff(s)			

**Name:** Societe des Produits Nestle S.A.

**Correspondent Address:** THOMAS A POLCYN  
THOMPSON COBURN LLP  
ONE US BANK PLAZA  
ST LOUIS MO UNITED STATES , 63101

**Correspondent e-mail:** [hal-shathir@thompsoncoburn.com](mailto:hal-shathir@thompsoncoburn.com) , [tpolcyn@thompsoncoburn.com](mailto:tpolcyn@thompsoncoburn.com) , [urogers@thompsoncoburn.com](mailto:urogers@thompsoncoburn.com) , [ipdocket@thompsoncoburn.com](mailto:ipdocket@thompsoncoburn.com) , [snaruo@thompsoncoburn.com](mailto:snaruo@thompsoncoburn.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number

ONE Registered [86767587](#) [4951377](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 21, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 21, 2019	Jul 31, 2019
3	INSTITUTED	Jun 21, 2019	
4	ANSWER	Jul 09, 2019	
5	W/DRAW OF APPLICATION	Oct 31, 2019	
6	BD DECISION: OPP SUSTAINED	Nov 06, 2019	
7	TERMINATED	Nov 06, 2019	

**Type of Proceeding: Cancellation**

**Proceeding Number:** [92071106](#)

**Filing Date:** Apr 19, 2019

**Status:** Terminated

**Status Date:** Nov 08, 2019

**Interlocutory Attorney:** MARY CATHERINE FAINT

**Defendant**

**Name:** Pampa Beverages, LLC

**Correspondent Address:** STEPHANIE C ALVAREZ  
STEPHANIE C ALVAREZ PA  
901 PONCE DE LEON BLVD, SUITE 305  
CORAL GABLES FL UNITED STATES , 33134

**Correspondent e-mail:** [stephanie@scalvarezpa.com](mailto:stephanie@scalvarezpa.com) , [stephanie@yourtrademarkfirm.com](mailto:stephanie@yourtrademarkfirm.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NATURE'S ONE	Cancelled - Section 18	<a href="#">86051474</a>	<a href="#">4824703</a>
Plaintiff(s)			

**Name:** Société des Produits Nestlé S.A.

**Correspondent Address:** THOMAS A POLCYN  
THOMPSON COBURN LLP  
ONE US BANK PLAZA  
ST LOUIS MO UNITED STATES , 63101

**Correspondent e-mail:** [tpolcyn@thompsoncoburn.com](mailto:tpolcyn@thompsoncoburn.com) , [snaruo@thompsoncoburn.com](mailto:snaruo@thompsoncoburn.com) , [ipdocket@thompsoncoburn.com](mailto:ipdocket@thompsoncoburn.com) , [urogers@thompsoncoburn.com](mailto:urogers@thompsoncoburn.com) , [al-shathir@thompsoncoburn.com](mailto:al-shathir@thompsoncoburn.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ONE	Registered	<a href="#">86767587</a>	<a href="#">4951377</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 19, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 23, 2019	Jun 02, 2019
3	INSTITUTED	Apr 23, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 02, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	ANSWER	Jul 01, 2019	
7	P MOT TO AMEND PLEADING/AMENDED PLEADING	Jul 19, 2019	
8	P CHANGE OF CORRESP ADDRESS	Jul 19, 2019	
9	ANSWER TO AMENDED PLEADING DUE	Jul 24, 2019	
10	ANSWER TO AMENDED PLEADING	Aug 23, 2019	
11	VOLUNTARY SURRENDER OF REGISTRATION	Oct 31, 2019	
12	BD DECISION: CAN GRANTED	Nov 04, 2019	
13	COMMR ORDER CANCELLING REG	Nov 08, 2019	
14	TERMINATED	Nov 08, 2019	

### Type of Proceeding: Opposition

Proceeding Number: [91245429](#)

Filing Date: Dec 20, 2018

Status: Terminated

Status Date: Mar 29, 2019

Interlocutory Attorney: YONG OH (RICHARD) KIM

#### Defendant

Name: Middle West Pet Foods, Inc.

Correspondent Address: J WILLIAM FRANK III  
MCCRACKEN & GILLEN LLC  
1315 W 22ND STREET SUITE 225  
OAK BROOK IL UNITED STATES , 60523

Correspondent e-mail: [tmdocket@mfgip.com](mailto:tmdocket@mfgip.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
ONE LIFE	Abandoned - After Inter-Partes Decision	<a href="#">87794719</a>	

#### Plaintiff(s)

Name: Societe des Produits Nestle S.A.

Correspondent Address: HADI S AL-SHATHIR  
THOMPSON COBURN LLP  
ONE US BANK PLAZA  
ST LOUIS MO UNITED STATES , 63101

Correspondent e-mail: [hal-shathir@thompsoncoburn.com](mailto:hal-shathir@thompsoncoburn.com) , [tpolcyn@thompsoncoburn.com](mailto:tpolcyn@thompsoncoburn.com) , [urogers@thompsoncoburn.com](mailto:urogers@thompsoncoburn.com) , [ipdocket@thompsoncoburn.com](mailto:ipdocket@thompsoncoburn.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
ONE	Registered	<a href="#">86767587</a>	<a href="#">4951377</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 20, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 20, 2018	Jan 29, 2019
3	PENDING, INSTITUTED	Dec 20, 2018	
4	NOTICE OF DEFAULT	Feb 08, 2019	
5	BD DECISION: OPP SUSTAINED	Mar 29, 2019	
6	TERMINATED	Mar 29, 2019	

### Type of Proceeding: Cancellation

Proceeding Number: [92069865](#)

Filing Date: Nov 02, 2018

Status: Terminated

Status Date: Feb 14, 2019

Interlocutory Attorney: JENNIFER KRISP

#### Defendant

Name: One Dog Organic Bakery LLC

Correspondent Address: ONE DOG ORGANIC BAKERY LLC  
5806 ROBERTS STREET  
CINCINNATI OH UNITED STATES , 45227

Correspondent e-mail: [vglynn@onedogorganic.com](mailto:vglynn@onedogorganic.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
ONE DOG ORGANIC BAKERY	Cancelled - Section 18	<a href="#">86555727</a>	<a href="#">4835928</a>

#### Plaintiff(s)

Name: Societe des Produits Nestle S.A.

**Correspondent** HADI S AL-SHATHIR  
**Address:** THOMPSON COBURN LLP  
ONE US BANK PLAZA  
ST LOUIS MO UNITED STATES , 63101

**Correspondent e-mail:** [hal-shathir@thompsoncoburn.com](mailto:hal-shathir@thompsoncoburn.com) , [tpolcyn@thompsoncoburn.com](mailto:tpolcyn@thompsoncoburn.com) , [urogers@thompsoncoburn.com](mailto:urogers@thompsoncoburn.com) , [slittle@thompsoncoburn.com](mailto:slittle@thompsoncoburn.com) , [pdocket@thompsoncoburn.com](mailto:pdocket@thompsoncoburn.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ONE	Registered	<a href="#">86767587</a>	<a href="#">4951377</a>
Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 02, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 02, 2018	Dec 12, 2018
3	PENDING, INSTITUTED	Nov 02, 2018	
4	NOTICE OF DEFAULT	Dec 22, 2018	
5	BD DECISION: CAN GRANTED	Feb 14, 2019	
6	COMMR ORDER CANCELLING REG	Feb 14, 2019	
7	TERMINATED	Feb 14, 2019	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91239830](#)

**Filing Date:** Mar 05, 2018

**Status:** Terminated

**Status Date:** Mar 17, 2020

**Interlocutory Attorney:** MARY B MYLES

#### Defendant

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Associated marks			
Mark	Application Status	Serial Number	Registration Number
UNO DOG	Notice of Allowance - Issued	<a href="#">87435006</a>	
Plaintiff(s)			

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Associated marks			
Mark	Application Status	Serial Number	Registration Number
ONE	Registered	<a href="#">86767587</a>	<a href="#">4951377</a>
Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 05, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 05, 2018	Apr 14, 2018
3	PENDING, INSTITUTED	Mar 05, 2018	
4	D MOT FOR EXT W/ CONSENT	Apr 16, 2018	
5	EXTENSION OF TIME GRANTED	Apr 18, 2018	
6	ANSWER	Apr 20, 2018	

7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 15, 2018	
8	SUSPENDED	Jun 15, 2018	
9	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 18, 2018	
10	SUSPENDED	Jul 18, 2018	
11	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 17, 2018	
12	SUSPENDED	Aug 17, 2018	
13	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 02, 2018	
14	SUSPENDED	Oct 02, 2018	
15	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 25, 2018	
16	SUSPENDED	Oct 25, 2018	
17	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 20, 2018	
18	SUSPENDED	Nov 20, 2018	
19	P MOT FOR EXT W/ CONSENT	Apr 25, 2019	
20	EXTENSION OF TIME GRANTED	Apr 25, 2019	
21	P MOT FOR EXT W/ CONSENT	Jul 26, 2019	
22	EXTENSION OF TIME GRANTED	Jul 26, 2019	
23	P MOT FOR EXT W/ CONSENT	Oct 08, 2019	
24	EXTENSION OF TIME GRANTED	Oct 08, 2019	
25	P MOT FOR EXT W/ CONSENT	Dec 04, 2019	
26	EXTENSION OF TIME GRANTED	Dec 04, 2019	
27	MOT TO AMEND APPLICATION	Jan 15, 2020	
28	RESPONSE DUE 30 DAYS (DUE DATE)	Feb 06, 2020	Mar 07, 2020
29	MOT TO AMEND APPLICATION	Feb 18, 2020	
30	BD DECISION: OPP DISMISSED W/O PREJ	Mar 17, 2020	
31	TERMINATED	Mar 17, 2020	

**United States of America**  
United States Patent and Trademark Office

**ONE**

**Reg. No. 4,951,377**

**Registered May 3, 2016**

**Int. Cl.: 31**

SOCIÉTÉ DES PRODUITS NESTLÉ S.A. (SWITZERLAND SOCIÉTÉ ANONYME (SA))  
INTELLECTUAL PROPERTY DEPARTMENT  
CASE POSTALE 353  
VEVEY, SWITZERLAND 1800

FOR: FOOD FOR ANIMALS, IN CLASS 31 (U.S. CLS. 1 AND 46).

**TRADEMARK**

FIRST USE 1-29-1986; IN COMMERCE 1-29-1986.

**PRINCIPAL REGISTER**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,408,833, 1,650,293, AND 2,675,614.

SER. NO. 86-767,587, FILED 9-24-2015.

KELLY TRUSILO, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

**NOTE:** A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.